

1644

TJW
PATENT
Attorney Docket No. 44921-5004-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yatindra PRASHAR *et al.*

Application No.: 09/674,607

Filed: November 14, 2001

For: **A process to study changes in gene expression in T lymphocytes**

Group Art Unit: 1644

Examiner: Patrick J. Nolan

Commissioner of Patents and Trademarks
 U.S. Patent and Trademark Office
 2011 South Clark Place
Customer Window, MAIL STOP FEE AMENDMENT
 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, VA 22202

TRANSMITTAL FORM

1. Transmitted herewith is a Response to Species Election in reply to the Office Action dated March 24, 2004..
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants do not believe an extension of time is required. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefor.
3. Constructive Petition: Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **April 21, 2004**
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Respectfully submitted
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RESPONSE TO SPECIES ELECTION

In the Office Action dated March 24, 2004 (Part of Paper No. 20040322), the Examiner set forth a species election requiring election of species as follows:

- 1) A specific disease;
- 2) A specific T cell; and
- 3) A specific gene/genes.

In view of the species election, Applicants elect the species of disease as glomerulonephritis, the T cell as peripheral T lymphocytes and the expression profile comprising SEQ ID NOS. 1-34, with traverse.

Applicants therefore respectfully submit that at this time, claims 21 and 34 - 44 read on the elected species.

Applicants request that examination proceed on claims 21 and 34 – 44 with the understanding that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by MPEP § 809.02(a).

Conclusion

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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